



Legislative Bulletin.....June 27, 2001

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H.R. 2133—To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*. (Ryun)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules. However, because House Rule XV says that, “The Speaker may not entertain a motion that the House suspend the rules except on Mondays and Tuesdays and during the last six days of a session of Congress,” this suspension will be pursuant to unanimous consent.

Summary: This bill would establish the “*Brown v. Board of Education* 50th Anniversary Commission” to commemorate the 50th anniversary (May 17, 2004) of the Supreme Court decision in *Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al.* The Commission would be charged with the following duties:

- Planning and coordinating public education activities in conjunction with the Department of Education’s regional offices
- Encouraging, planning, developing, and coordinating observances of the anniversary of the *Brown* decision in conjunction with the Brown Foundation for Educational Equity, Excellence, and Research in Topeka, Kansas (and other appropriate private or public entities)

The Commission would be chaired by someone from the Department of Education appointed by the Secretary of Education. The other members of the Commission would be appointed as follows:

- One additional member from the Department of Education, appointed by the Secretary
- Eleven members appointed by the President after receiving recommendations from senators and House members from each of the states in which the lawsuits decided by the *Brown* decision were originally filed (Delaware, Kansas, South Carolina, and

Virginia) and from Massachusetts (the state of the first legal challenge). The President would also receive a recommendation from the District of Columbia Delegate to the House.

- Two members from the judicial branch appointed by the Chief Justice of the Supreme Court
- Two members from the Brown Foundation (referenced above)
- Two members from the NAACP Legal Defense and Education Fund
- One member from the *Brown v. Board of Education* National Historic Site

The bill would require the Commission to send interim reports to the President and Congress by December 31st of each year describing Commission activities, accounting for funds received or used, and recommending any legislation or administrative action. The Commission would have to file a final report to the President and Congress by December 31, 2004. The Commission would terminate by February 1, 2005, and all remaining funds would be returned to the Treasury.

The bill would authorize **\$250,000** for the period encompassing fiscal years 2003 and 2004 to support the Commission. Funds could be used to reimburse members for travel and per diem expenses, as well as to hire support staff. Members of the Commission would not be paid for their service.

Additional Background: On May 17, 1954, the Supreme Court in the *Brown v. Board of Education* decision unanimously declared that separate educational facilities are “inherently unequal” and, as such, violate the 14th Amendment to the U.S. Constitution, which guarantees all citizens “equal protection of the laws.” The *Brown* decision struck down the “separate but equal” doctrine for public education established by the *Plessy v. Ferguson* decision and effectively rendered unconstitutional any passive or mandatory segregation in public schools.

Cost to Taxpayers: The bill would authorize **\$250,000** for the Commission for the period of FY2003-FY2004.

Does the Bill Create New Federal Programs or Rules?: Yes. It creates and new commission and mandates reports to the President and Congress.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 691—To extend the authorization of funding for child passenger protection education grants through fiscal year 2003. (Oberstar)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules. However, because House Rule XV says that, “The Speaker may not entertain a motion that the House suspend the rules except on Mondays and Tuesdays and during the last six days of a session of Congress,” this suspension will be pursuant to unanimous consent.

Summary: Under the Transportation Equity Act for the 21st Century (PL 105-178), the National Highway Traffic Safety Administration (NHTSA) provides grants to states for automobile-safety programs for children. H.R. 691 would extend the authorization of **\$7.5 million** for each of fiscal years 2002 and 2003 for this grant program (currently set to expire after FY2001).

Cost to Taxpayers: Assuming the appropriation of the authorized amounts, CBO estimates that H.R. 691 would cost **\$15 million** over the FY2002-FY2003 period.

Does the Bill Create New Federal Programs or Rules?: No, it extends the authorization of an existing program.

Constitutional Authority: The Committee on Transportation and Infrastructure cited in Committee Report 107-78 constitutional authority under Article I, Clause 8 of the U.S. Constitution. No specific section of this Clause is cited.

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H.Res. 172 -- Honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters. (Grucci)

Order of Business: The concurrent resolution is scheduled to be considered under a motion to suspend the rules. However, because House Rule XV says that, “The Speaker may not entertain a motion that the House suspend the rules except on Mondays and Tuesdays and during the last six days of a session of Congress,” this suspension will be pursuant to unanimous consent.

Summary: On June 17, 2001, 350 firefighters and numerous police officers responded to a 911 call that sent them to Long Island General Supply Company in Queens, NY, where there was a fire and an explosion in a two-story 128-year-old building. The resolution notes that two civilians and dozens of firefighters were injured by the blaze, including firefighters Joseph Vosilla and Brendan Manning who were severely injured. It also notes three long-time veteran firefighters who died in the blaze and resolves that the House:

(1) honors John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters, and recognizes them for their bravery and sacrifice;

(2) extends its deepest sympathies to the families of these three brave heroes; and

(3) pledges its support and to continue to work on behalf of all of the Nation's firefighters who risk their lives every day to ensure the safety of all Americans.

Cost to Taxpayers: None.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Does the Bill Create New Federal Programs or Rules: No, it is a nonbinding resolution.

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